Lord one thousand eight hundred and forty four come again into the Court of Appeals here, as well the said Washington Jones, William Jones & others, by Alexander Randall, their attorney, as William Plater administrator as aforesaid, by John Johnson his attorney, and file in Court here, an agreement to amend the record in this cause, which is in the words & figures following to wit.

Washington Jones, & others. vs. Wm Plater adm. of John A. Plater.

No. 51. It is admitted as a part of the Record in this case that the Exhibits therein marked J. D. No. 1, J. D. No. 2, J. D. No. 3 and J. D. No. 4, were all addressed to Edward Jones the executor named in the will of John Darnall set forth in the Record, and that J. D. No. 1 was dated the 27th. August 1825.

A. Randall, for appellants.
J. Johnson for appellee.

19 December 1844.

Whereupon as well the record and proceedings aforesaid and the Decree given in form aforesaid as the matters aforesaid, by the said Washington Jones, William Jones & others above for error assigned, being seen, and by the Court of Appeals here fully understood, and mature deliberation thereupon had, for that it appears to the Court of Appeals here that there is no error in the record of proceedings aforesaid, nor in the giving of the Decree aforesaid, Therefore it is considered by the Court of Appeals here, that the Decree aforesaid, given in form aforesaid be in all things affirmed and stand in full force and effect, the said causes for error above assigned and alleged in any wise notwithstanding. And it is further considered by the Court of Appeals here, that the said William Plater, administrator as aforesaid have execution against the said Washington Jones, William Jones & others as well for the costs and charges aforesaid, adjudged unto him in the said Court of Chancery as also the sum of eighty two dollars & fifty four cents adjudged unto the said William Plater administrator as aforesaid by the Court of Appeals here, on his dissent for his costs and charges which he had sustained by occasion of the delay of the execution of the Decree aforesaid, by pretext of the prosecution of the said appeal by the said Washington Jones, William Jones & others for the correcting of errors of and upon the premises as aforesaid prosecuted &c.

Test. Richard W. Gill, Clerk.

Exd

Robert W. Brooke and Mary Ann his wife & others, vs. William F. Berry

Be it remembered, That now here on the first monday in December being the fourth day of the said month, in the year of our Lord one thousand eight hundred and forty three the Chancellor of Maryland, in pursuance of the directions of the act of Assembly in such case made and provided, transmit to the Court of Appeals here the record of proceedings of a certain cause which was lately depending before him in the Court of Chancery between Elisha Berry, Robert W. Brooke and Mary Ann his wife and Louisa Berry, William Berry, Nancy Berry and Eliza Berry, Infants under the age of twenty one years by the said Robert W. Brooke as their prochein ami, Complainants and William F. Berry defendants, and wherein the said Court of Chancery

passed a Decree for the said William F. Berry against the said Elisha Berry, Robert W. Brooke & wife & others and from which said Decree the said Elisha Berry, Robert W. Brooke & wife & others appealed to the Court of Appeals here, the tenor of which said record of proceedings is in form following to wit.

Maryland, Sct.

At a Court of Chancery for the State of Maryland begun and held at the City of Annapolis on the fourth Tuesday of September in the year of our Lord one thousand eight hundred and Forty three.

Present.

The Honorable, Theodorick Bland, Chancellor.
Louis Gassaway, Register.

Were had (among other) the following proceedings.

Robert W. Brooke and Mary Ann his wife and others, vs. William F. Berry.

Be it remembered that heretofore to wit on the twenty seventh day of January in the year of our Lord one thousand eight hundred and forty one came Elisha Berry, Robert W. Brooke and Mary Ann his wife and Louisa Berry, William Berry, Nancy Berry and Eliza Berry Infants under the age of twenty one years by the said Robert W. Brooke as their prochein ami, by John B. Brooke and John Johnson Esqrs. their solicitors into the Court of Chancery of the State of Maryland and exhibited in said court their Bill of complaint against William F. Berry in the words following to wit.

To the Honorable, Theodorick Bland, Chancellor of Maryland.

Humbly complaining shew unto your Honor, Your orators Elisha Berry Robert W. Brooke & Mary Ann his wife Louisa Berry, William Berry Nancy Berry and Eliza Berry all of Prince Georges County (which said Louisa William Nancy and Eliza being infants under the age of twenty one years prefer this their bill of complaint by the said Robert W. Brooke as their prochein ami) that the said Elisha Berry who is the father of all the other complainants except the said Robert W. Brooke being seized and possessed of considerable property & estates both real and personal lying and being in said County and being naturally of a feeble and weak mind and intellect and therefore incapable of managing the same with profit and advantage to himself and family or to take care thereof or to transact business generally with prudence or even safety was induced on or about the seventh day of May in the year of our Lord eighteen hundred and thirty six by the artfull persuasion and management of a certain William F. Berry of said County the defendant hereinafter named and who is the natural brother of the half blood of the said Elisha in whom he had the most unlimited confidence and who possessed the most unbounded influence over him to commit and entrust to him the said William F. Berry the sole & exclusive charge management and controul of all of the said property and made and constituted him the agent for the transaction of all the business concerns of him the said Elisha whatsoever, That in virtue of the confidence thus reposed in him and the authority and powers so conferred on him by the said Elisha as his agent the said William F. continued to manage